HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No.13985 of 2007

Between:

Malladi Veeraiah and others

… Petitioners

A n d

The District Collector,
Machilipatnam, Krishna District
And others

….Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No.13985 of 2007

ORDER:

The writ petition is misconceived and is filed on an apprehension.

The notification under Section 4(1) of the Land Acquisition Act, 1894 (for short 'the Act') was issued by a Gazette Notification dated 29-05-2007 and published in the daily newspaper on 06-06-2007, proposing acquisition of the petitioners' lands in Ramavarappadu village, Vijayawada Rural Mandal, Krishna District. Urgency clause was not invoked nor the enquiry under Section 5-A of the Act dispensed with. Petitioners have also been issued a notice soliciting objections to the acquisition proceedings, to be submitted by 25-06-2007. The petitioners state to have lodged their objections to the acquisition by a representation made within time. No proceedings

thereafter were taken nor a draft declaration under Section 6 of the Act issued. The petitioners' apprehension is that the respondents would, even without issuing the draft declaration under Section 6 of the Act, come on to the property and illegally dispossess them.

No overt act supporting such apprehension is pleaded. The respondents are not authorized to dispossess the petitioners of their property, except by following the due process of law. Should any public official including any of the respondents come on to the property and seek to dispossess the petitioners except in accordance with law, the petitioners may pursue any of the available remedies such as exercising the right of private defence, complaining to the nearest jurisdictional police station or instituting an appropriate proceedings before the civil court of competent jurisdiction.

As there is no current discernible pleading of unlawful conduct by the respondents, no relief could be granted. The writ petition is dismissed. The petitioners are, however, at liberty to pursue appropriate remedies when a cause of action arises.

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03-07-07

Lrkm

Note:
CC in two days.